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Message Text

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ACTION EUR-12

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USMISSION NATO
AMEMBASSY PARIS
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C O N F I D E N T I A L MOSCOW 18075

E.O. 11652: GDS
TAGS: PFOR UR US GW WB EC
SUBJECT: BERLIN: SOVIET RESPONSE TO ALLIED DEMARCHE ON EC
PARLIAMENT

REF: MOSCOW 14859

1. BEGIN SUMMARY. BONDARENKO CALLED IN CHARGE AND DELIVERED FORMAL REPLY TO ALLIED DEMARCHE OF SEPT 20 WHICH FOLLOWED LINES HE TOOK IN HIS INITIAL RESPONSE (REFTEL). BRITISH AND FRENCH ALSO CALLED IN TO RECEIVE SAME REPLY. END SUMMARY.

2. SOVIET MFA DIVISION (THIRD EUROPEAN) CHIEF ALEKSANDR BONDARENKO CALLED IN CHARGE NOV 16 TO HAND OVER SOVIET REPLY TO OUR SEPT 20 NOTE ON SOVIET EUROPEAN PARLIAMENT PROTEST OF AUG 3. (SEE TEXT BELOW.) AFTER BONDARENKO READ TEXT OF SOVIET STATEMENT, CHARGE RESPONDED THAT HE WOULD, OF COURSE, TRANSMIT IT TO AUTHORITIES IN WASHINGTON BUT AS AN INITIAL AND INFORMAL RESPONSE HE WISHED TO REITERATE THAT, AS WE SAID IN OUR NOTE OF SEPT 20, WE HAVE INSURED THAT THE ALLIED RIGHTS AND RESPONSIBILITIES INCLUDING THOSE RELATING
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TO SECURITY AND STATUS OF WSB HAVE NOT BEEN AFFECTED BY EC DEVELOP-

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MENTS AND THAT SPECIFICALLY THERE HAS BEEN NO CHANGE AS A RESULT OF THE DIRECT ELECTIONS OF SOME MEMBERS OF THE EUROPEAN PARLIAMENT SINCE THE MEMBERS FROM BERLIN CONTINUE TO BE SELECTED AS BEFORE.

3. THERE ENSUED A LONG EXPOSITION BY BONDARENKO OF THE BASIC POINTS IN THE WRITTEN STATEMENT, BUT GOING BEYOND THE STATEMENT SOMEWHAT IN ARGUING THAT THE "PROCESS" OF WEST EUROPEAN INTEGRATION WAS "AS A PRACTICAL MATTER" CHANGING THE STATUS OF THE WSB. HE STRESSED THAT IN SOVIET OPINION THE FRG HAS DEVELOPED SUCH EXTENSIVE TIES TO THE WSB IN ECONOMIC, CULTURAL AND SOCIAL AREAS, INCLUDING THE ESTABLISHMENT OF AGENCIES AND INSTITUTIONS, THAT THE USSR CANNOT AGREE THAT THESE DO NOT HAVE A POLITICAL CHARACTER. AS THIS IS GOING ON, BONDARENKO SAID , "YOU" (I.E., THE THREE POWERS AND FRG) ARE APPLYING THE EC AGREEMENTS TO WSB. THE SOVIETS DO NOT AGREE, HE SAID, THAT THIS CAN BE DONE AND, THEREFORE, THEY CANNOT ALLOW THIS TO CONTINUE WITHOUT PROTEST. CHARGE REPLIED THAT WE HAD BEEN VERY CAREFUL IN THE APPLICATION OF THE EC AGREEMENTS TO WEST BERLIN AND THAT WE CANNOT AGREE THAT ANY OF THOSE APPLIED CHANGED THE STATUS OR SECURITY OF WEST BERLIN.

4. BONDARENKO THEN RETURNED TO THE QUESTION OF THE EC PARLIAMENT AND ASKED RHETORICALLY WHAT WOULD HAPPEN WHEN AFTER DIRECT ELECTION THE EC PARLIAMENT BEGAN TO "PASS LAWS"? CHARGE RESPONDED THAT THIS WAS SPECULATION, THAT WE SHOULD ONLY ADDRESS CONCRETE AND PRACTICAL QUESTIONS AND, THAT ON THOSE GROUNDS, WE MAINTAIN THAT THE STATUS AND SECURITY OF WEST BERLIN HAS NOT BEEN CHANGED AND THE QUADRI-PARTITE AGREEMENT HAS BEEN OBSERVED BY THE WESTERN POWERS.

5. COMMENT. WHILE MUCH OF BONDARENKO'S ARGUMENT WAS ADDRESSED TO THE ISSUE OF THE ELECTION OF EUROPEAN PARLIAMENT, HIS ORAL COMMENTS CONTAIN ANOTHER CLEAR INDICATION THAT THE SOVIETS' BASIC CONCERN IS WITH THE OVERALL RELATIONSHIP BETWEEN THE EC AND BERLIN. HE FOCUSED ON THE ENTIRE FABRIC OF EC EVENTS AND AGREEMENTS AND THEIR ULTIMATE EFFECT ON WEST BERLIN, AND ONLY SECONDARILY WITH THE ELECTION PROBLEMS PER SE. THE PARLIAMENT SEEMED TO BE AN ISSUE MORE BECAUSE OF ITS POTENTIAL AS A SUPRA-NATIONAL BODY THAN BECAUSE OF THE METHOD OF ELECTION. TO SOME EXTENT THIS COMES THROUGH IN THE TEXT OF THE SOVIET STATEMENT WHICH DIFFERS IN EMPHASIS FROM THEIR AUG 3 ONE, BY FOCUSING LESS DIRECTLY AND FORCEFULLY ON THE ELECTION ISSUE AND MORE ON THE ENTIRE QUESTION OF WEST BERLIN'S RELATIONSHIP
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TO THE EC. IN CHECKING WITH THE BRITISH AND FRENCH (THE LATTER WERE RECEIVED NOV 17,) WE HAVE BEEN TOLD THAT THE CONVERSATIONS WERE LESS PROLONGED BUT IN THE CASE OF THE BRITISH FOLLOWED CLOSELY OUR CONVERSATION. THE TALK WITH THE FRENCH, ACCORDING TO THEM, WAS VERY SHORT AND FOCUSED ON THE ISSUE OF THE PARLIAMENT (BOTH THE DIRECT ELECTION AND ITS POSSIBLE ROLE IN THE FUTURE OF THE EC).

6. BEGIN TEXT OF INFORMAL EMBASSY TRANSLATION:

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STATEMENT OF MFA, USSR:
IN CONNECTION WITH THE STATEMENT OF THE GOVERNMENT OF THE U.S. OF AMERICA ON SEPTEMBER 20 OF THIS YEAR, THE SOVIET SIDE WOULD LIKE TO CALL ATTENTION TO THE FOLLOWING.

THE GOVERNMENT OF THE USA IS TRYING TO BASE EXISTING PLANS FOR A LINKAGE OF THE WESTERN SECTORS OF BERLIN TO THE ELECTIONS FOR THE SO-CALLED EUROPEAN PARLIAMENT BY REFERENCES TO THE FACT THAT THE 1957 TREATY ON THE CREATION OF THE EUROPEAN ECONOMIC COMMUNITY WAS EXTENDED AT THE TIME BY THE FEDERAL REPUBLIC OF GERMANY TO THE WESTERN SECTORS OF BERLIN. AT THE SAME TIME THE THOUGHT IS EXPRESSED THAT SUPPOSEDLY THE FOUR POWER AGREEMENT OF SEPT 3, 1971, VIRTUALLY SANCTIONED RETROACTIVELY THESE EARLIER ACTIONS OF THE FRG.

SUCH A FORMULATION OF THE QUESTION IS COMPLETELY INSUPPORTABLE AND ILLEGAL. THE SOVIET UNION HAS NEVER RECOGNIZED THE LAWFULNESS (PRAVOMERNOSTI) OF THE EXTENSION BY THE FRG TO WESTERN SECTORS OF BERLIN EITHER OF THE TREATY ON THE CREATION OF THE EUROPEAN ECONOMIC COMMUNITY OR OF OTHER TREATIES OF THE EUROPEAN COMMUNITY (EC). IT IS WELL KNOWN THAT THESE AGREEMENTS, AS WELL AS MEASURES NOW UNDERTAKEN ON THE BASIS OF THEM, IN THE FINAL ANALYSIS ARE AIMED AT THE STATE AND POLITICAL INTEGRATION OF WESTERN EUROPE. EVEN NOW THE QUESTION IS NOT ONLY ONE OF CREATING WITHIN THE FRAMEWORK OF THE EC A PARLIAMENT WHICH IS MEANT TO BE ENDOWED WITH SUPRA-NATIONAL POWER. THE QUESTION IS ALSO POSED OF DRAFING AN EC CONSTITUTION, ESTABLISHING A SO-CALLED SINGLE EUROPEAN CITIZENSHIP, ETC. THE INVOLVEMENT OF THE WESTERN SECTORS OF BERLIN IN THIS INTEGRATION PROCESS, IN ESSENCE AS SOME SORT OF APPENDAGE OF THE FRG, WOULD BE INCOMPATIBLE WITH THE JURIDICAL AND THE EXISTING POSITION OF THE WESTERN SECTORS OF BERLIN.

THE ILLEGAL CHARACTER OF THE EXTENSION OF THE FRG TO THE CONFIDENTIAL

WESTERN SECTORS OF BERLIN OF THE TREATY ACTS OF THE EC, IS NOT CHANGED BY THE CIRCUMSTANCE THAT IT WAS BROUGHT INTO BEING WITH THE AGREEMENT OF THE THREE POWERS. THE RIGHTS AND THE RESPONSIBILITY OF THE THREE POWERS IN THE WESTERN SECTORS OF BERLIN ARE BASED ON THE FOUR POWER AGREEMENTS AND THE WARTIME AND POST-WAR DECISIONS. THESE AGREEMENTS AND DECISIONS DID NOT GRANT AND DO NOT GRANT TO THE THREE POWERS THEAUTHORITY TO LEGALIZE ILLEGAL (PROTIVOPRAVNYE), ACTS OF THE FRG WHICH ARE INCOMPATIBLE WITH THE SPECIAL STATUS OF THE WESTERN SECTORS OF BERLIN.

AS FAR AS THE FOUR POWER AGREEMENT OF SEPT 3, 1971, IS CONCERNED
,
IT OF COURSE CANNOT BE CONSIDERED EITHER AS APPROVAL OF PRIOR ILLEGAL PRACTICES OF THE FRG IN WESTERN BERLIN AFFAIRS, OR AS PRO-VIDING A LEGAL BASIS FOR CONTINUING SUCH PRACTICES AT THE PRESENT OR

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IN THE FUTURE. ON THE CONTRARY, THE FOUR POWER AGREEMENT BASED ON THE PROPOSITION THAT THE ENTIRE POLICY OF THE FRG IN RELATION TO WEST BERLIN MUST BE DEVELOPED IN STRICT CONFORMITY TO THE FACT THAT THIS CITY IS NOT AN INTEGRAL PART OF THE FRG AND CANNOT BE ADMINISTERED BY IT.

ACCORDING TO THE FOUR POWER AGREEMENT, THE FRG IS GRANTED THE RIGHT TO EXTEND TO THE WESTERN SECTORS OF BERLIN ONLY THOSE INTERNATIONAL TREATIES (DOGOVORNYE AKTY) WHICH DO NOT TOUCH ON QUESTIONS OF STATUS AND SECURITY. THE AGREEMENT TO CONDUCT ELECTIONS FOR THE "EUROPEAN PARLIAMENT," SIGNED ON SEPT 20 OF THIS YEAR IN BRUSSELS BY THE FOREIGN MINISTERS OF THE MEMBER COUNTRIES OF THE EC, DOES NOT FALL IN THIS CATEGORY.

THE SOVIET SIDE AGAIN CONSIDERS IT NECESSARY TO POINT OUT THAT THE DIRECT OR INDIRECT PARTICIPATION OF THE WESTERN SECTORS OF BERLIN IN ELECTIONS TO THE "EUROPEAN PARLIAMENT" WOULD GO COUNTER TO (SHLO BY VRAZREZ) THE FOUR-POWER AGREEMENT, TO THE ASPIRATION (STREMLENIE) EMBODIED IN IT TO AVOID COMPLICATIONS IN THE AREA COVERED BY THE AGREEMENT.

THE SOVIET SIDE EXPECTS THAT THE GOVERNMENT OF THE USA WILL DEAL WITH THIS STATEMENT RESPONSIBLY AND WILL NOT ALLOW A SITUATION TO ARISE BY WHICH THE SOVIET UNION WOULD BE FORCED TO TAKE MEASURES FOR THE PROTECTION OF ITS LEGAL RIGHTS AND TO GUARANTEE THE PROPER OBSERVANCE OF THE FOUR-POWER AGREEMENT. THE SOVIET SIDE
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PROCEEDS FROM THE PROPOSITION THAT THE BROAD INTERESTS OF OUR GOVERNMENTS WOULD BE MET BY THE GENERAL STRENGTHENING OF THOSE POSITIVE TENDENCIES WHICH HAVE APPEARED IN RECENT YEARS IN DEVELOPMENTS ON THE EUROPEAN CONTINENT, OWING NOT LEAST TO THE CONCLUSION OF THE FOUR-POWER AGREEMENT OF SEPTEMBER 3, 1971.
ENT TEXT.

7. COPY RUSSIAN TEXT POUCHED EUR/SOV.
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